

# Legal Aid Committee

Minutes of a meeting held at 2.15pm on Wednesday 04 October 2017 in the Ground Floor Boardroom, Markwell House, Douglas

Members Present: Andrew Swithinbank (Chair) AS  
David Trace (Deputy Chair) DT  
Margaret Mansfield MM  
Tony Jones TJ  
Jane O'Rourke JO  
Steph Lowe SL  
Tony Warham TW

Officers Present: Ross Stephens RS  
Christine Clucas CC *for part of meeting*  
Simon Mann SM *for part of meeting*  
Katie Ward KW *for part of meeting*  
Alex Powell (Note Taker) AP

Apologies: None

## 49/17 **MINUTES OF PREVIOUS MEETINGS**

The minutes of the meeting of 06<sup>th</sup> September, having previously been circulated, were amended to be reissued with the Minutes of the meeting 04<sup>th</sup> October.

Action

AP

## 50/17 **MATTERS ARISING**

### (a) **Consultation on Members Expenses**

The Committee was kindly reminded to submit any comments to AP to collate and forward accordingly to the Cabinet Office.

AP/LAC

## 51/17 **MATTERS REQUIRING DECISION AND ACTION**

### (a) **Staffing/Operational Issues/IT Developments in Legal Aid Administration.**

KW, Change and Reform Project Manager, Cabinet Office, was welcomed to the meeting. She and CC spoke to a presentation on the 'Legal Aid Process/Review of Legal Aid'. CC advised too that, going forward, it was anticipated that the input of the Law Society would be sought on the updating of the application process prior to online launch.

CC/KW

The Chair thanked officers for the visual representation of the Legal Aid process and requested that now the mapping of current processes was complete that the LAC be provided at a future meeting with 'before and after'

flow charts as the system is simplified and streamlined.

CC/AP

KW left the meeting following this Agenda item.

(i) **DLACO Update**

The LACO had provided a written update which was circulated prior to the meeting.

The DLACO spoke to a paper, having also been circulated prior to the meeting, regarding the Proceeds of Crime Act and applications for Legal Aid. There was considerable discussion and it was agreed the LAC's policy intent is that it remains important that access to justice be offered to individuals but that the opinion of the Attorney General's office be sought regarding the potential for recovery of assets and further that it was necessary to ensure that any proceeds clawed back be dealt with in a transparent and appropriate fashion. SM to forward the aforementioned paper with accompanying letter to the AG's office.

SM

SM sought the approval of the Committee to proceed with a Privy Council application. JO noted that it was the named person, rather than the principle of using Counsel, which the Committee were required to approve. In this regards, the Committee requested that our Regulations be satisfied by enquiries being made by the Bar Standards Board that the proposed Counsel was authorised to conduct Legal Aid work in England and Wales and that they were fit and proper in so far as there were no disciplinary hearings recorded in respect of their conduct. Subject to the foregoing, the proposed Counsel was approved. It was further directed that work undertaken by all Advocates/Barristers involved be reviewed in blocks of 50 hours and should work exceed 180 hours that this be brought to the attention of the Committee. It was agreed that this issue required further discussion at policy level.

SM/LAC

SM left the meeting at 3.05pm.

52/17

**CHILDREN'S CHAMPION REPORT**

RS had drafted a response, circulated prior to the meeting, to comments made in the above report. Editing was undertaken at the meeting – RS to forward the response accordingly to the author of the report, Daphne Caine MHK so that she be fully informed of the reasons for the process of the appointment of LAC members and understand the LAC's desire for Advocates active in Legal Aid Work to apply.

RS

53/17 **REPORTS FROM SUB-COMMITTEES AND OTHER MEETINGS**

(a) **Public Defender Unit Sub-Committee**

DT reported that correspondence had been received from the Attorney General's Office which was appreciative for the sharing of research undertaken by the sub-committee and it was agreed that progress in this matter would be followed with interest and that the LAC would continue to assist wherever possible. Ongoing.

(b) **Legal Advice Centres**

AS and TJ advised that they had undertaken a very positive study trip to meet with counterparts in Dublin and County Wicklow w/c 11<sup>th</sup> September and gave an oral report on various aspects of the visit. It was noted that the system is very much one in development and AS queried whether the hypothesis of the IOM adopting a similar system should be further explored and whether the sub-committee should regard potential costings etc.?

AS/TJ

The meeting agreed that there was much to be learned from the Irish model. Following the overview delivered, JO queried whether such a system would be viable on the IOM and how much Legal Aid work was generated outside Douglas. It was agreed that the Legal Aid office would report back on the current data available on this issue in due course.

AP

TJ left the meeting at 3.40pm

(c) **Alternative Dispute Resolution/Mediation Sub-Committee**

JO advised that she, TW, RS and representatives of the Law Society had met with Minister Thomas on Tuesday 12<sup>th</sup> September.

JO/TW

Further to discussion at the above meeting, the Committee reiterated that they were not minded to publish the responses to last year's consultation update but *did* agree that there should be further engagement in 2018 with stakeholders in a workshop format as part of the ongoing consultation process – to be discussed at November's meeting.

54/17 **ANY OTHER BUSINESS**

None.

55/17 **DATE OF NEXT MEETING**

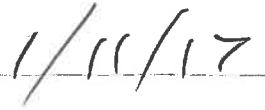
**2.15pm on Wednesday 01<sup>st</sup> November 2017 in the Ground Floor Boardroom, Markwell House.**

The meeting closed at 4.30pm.

Minutes agreed by Chairman

A handwritten signature in black ink, appearing to be 'A. Prud' followed by a flourish.

Date

A handwritten date '1/11/17' in black ink.